

REMARKS

Claims 1-22 are pending in the Application. Claims 11-22 stand withdrawn a being directed to a non-elected invention.

Claims 1-10 have been rejected under 35 USC § 112, second paragraph, as being indefinite for failing to point out particularly and claim distinctly the subject matter which Applicants regard as their invention. In particular, the Official Action states that the basis of measurement of the “mean particle size” must be specified. Applicants respectfully traverse this rejection.

The Specification, at page 5, lines 1-3, clearly sets forth how the particle sizes were determined:

“Particle sizes were determined using standard light scattering techniques. All correlation functions were converted to hydrodynamic sizes using LaPlace inversion methods, such as CONTIN.”

It would be clear to one skilled in the art reading the claims and the Specification that the basis of the mean particle size is by volume, i.e. hydrodynamic size. Applicants submit that the claims are not indefinite and respectfully request that this rejection be withdrawn.

Claims 1-9 have been rejected under 35 USC § 102(b) as being anticipated by Kosal (US 5,504,149). Applicants respectfully traverse.

Kosal is directed to a method of making a silicone emulsion by dispersing a siloxane in water by forming a mixture of water, a cyclic siloxane, an optional nonionic surfactant and a cationic surfactant. While non-ionic surfactant is optional, the cationic surfactant is required. See column 1, lines 43-47 and 53-57, column 3, lines 64-66, and column 5, lines 30-34.

In contrast to Kosal, Applicants’ claimed process requires one or more surfactants, the surfactants consisting of non-ionic surfactants. Thus, Applicants’ claims exclude surfactants that are not non-ionic, e.g. cationic surfactants. This is also supported by the Specification at page 5, lines 6-7. Applicants submit their claimed invention is not anticipated by Kosal and respectfully request that this rejection be withdrawn.

Claim 10 has been rejected under 35 USC § 103(a) as being unpatentable over Kosal.
Applicants respectfully traverse.

The Kosal patent is discussed above. This patent requires a cationic surfactant. Nothing in this patent teaches or suggests emulsion polymerization without using a cationic surfactant. Further, Kosal is directed to a silicone emulsion which is prepared from a cyclic siloxane. Nothing in Kosal teaches or suggests such a polymerization without a siloxane. In fact, not using a siloxane is contrary to the thrust of the Kosal patent. Specifically, nothing in this patent teaches or suggests a method of preparing emulsion polymer particles free of siloxane monomers using only non-ionic surfactants. Applicants submit that the Examiner has not made out a prima facie case of obviousness and respectfully request that this rejection be withdrawn.

Favorable consideration in the form of a notice of allowance is courteously requested.

Respectfully submitted,



S. Matthew Cairns, Ph.D.

Attorney for Applicant

Registration No. 42,378

Telephone No: (508) 229-7545

Facsimile No.: (508) 787-4730

c/o EDWARDS & ANGELL
PO Box 55874
Boston, MA 02205
Date: